

executed via breaking through an exterior wall; city might be liable, under Minnesota state constitution, for compensable "taking" of property if building owners were innocent third parties with no involvement in the criminal activity in their building. *McGovern v. City of Minneapolis*, 480 N.W.2d 121 (Minn. App. 1992).

237:142 Police officers who invited private security guard to accompany them during execution of search warrant were not entitled to summary judgment in homeowner's civil rights suit over guard's search for items not specified in search warrant. *Bills v. Aseltine*, 958 F.2d 697 (6th Cir. 1992).

238:158 Officers had "arguable" probable cause to obtain search warrants for two houses based on three children's "explicit" and "detailed" descriptions of alleged satanic ritual sexual abuse occurring there; defendant officers were entitled to qualified immunity. *Lowe v. Aldridge*, 958 F.2d 1565 (11th Cir. 1992).

239:171 Mississippi deputies who obtained search warrant but did not participate in search were entitled to qualified public official immunity from liability for damages allegedly occurring during search; deputies who executed warrant were not entitled to such immunity. *Barrett v. Miller*, 599 So. 2d 559 (Miss. 1992).

#### **SEARCH AND SEIZURE: LAND**

231:46 Sheriff and deputy were not entitled to qualified immunity for alleged warrantless digging up of pasture in search for murder victim's body; "open fields" doctrine did not apply to search of land below surface. *Husband v. Bryan*, 946 F.2d 27 (5th Cir. 1991).

#### **SEARCH AND SEIZURE: PERSON**

236:125 City's alleged policy of allowing male officers to do pat-down searches of females suspected of misdemeanors did not violate female's constitutional rights; even if officer in this case did touch female's breast, thigh, and genitals, a single incident of misconduct would not establish municipal liability. *Martin v. Swift*, 781 F. Supp. 1250 (E.D.Mich. 1992).

229:13 City liable for \$2,500 for police officer's unreasonable use of force to get motorist to give blood sample after he was stopped for DUI; Fourth Amendment standard, rather than due process "shocks the conscience" standard applies. *Hammer v. Gross*, 932 F.2d 824 (9th Cir.), cert. denied, *Newport Beach, Calif. v. Hammer*, 112 S. Ct. 582 (1991).

#### **SEXUAL ASSAULT**

239:172 City liable for \$200,000 for officer's sexual assault and false arrest of female auto passenger; city had knowledge of officer's propensity for violence and failed to take preventative action. *Parrish v. Luckie*, 963 F.2d 201 (8th Cir. 1992).

#### **STRIP SEARCH**

235:109 Strip and body cavity searches of detainees can not be conducted merely on the basis of reasonable suspicion of possession of ordinary stolen property. *Fuller v. M.G. Jewelry*, 950 F.2d 1437 (9th Cir. 1991).

239:173 Federal appeals court upholds

reasonableness of strip search of non-felony juvenile detainee in custody based on reasonable suspicion that juvenile was concealing a weapon or contraband. *Justice v. City of Peacetree City*, 961 F.2d 188 (11th Cir. 1992).

239:174 Officers were not entitled to qualified immunity for strip search of 17 year-old female truck passenger, conducted after investigatory stop revealed that suspected drug dealer was not in the truck, removing grounds for further detention of truck occupants. *Timberlake v. Benton*, 786 F. Supp. 676 (M.D. Tenn. 1992).

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